

Remarks

The Office Action dated December 8, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Subsequent to entry of this amendment, Claims 1-26 are pending in this application. Claims 1-26 stand rejected.

The rejection of Claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Karapetian (US 3,717,083) is respectfully traversed.

Karapetian describes a disposable secondary grill for use with a permanent grill of a barbecue to permit cooking of foods without the food contacting the permanent grill. The secondary grill is formed from a unitary body of thin sheet metal and includes a peripheral frame having a top surface and supporting sidewalls. The disposable secondary grill includes a plurality of openings defined by bar-like strips extending from the peripheral frame and having depending side flanges. The bottoms of the side flanges at the bottoms of a plurality of undulations and at least portions of the bottoms of supporting sidewalls all lie in a common plane such that the secondary grill is supported with respect to the plane. Thus, when the secondary grill is resting on the surface of a primary grill (not shown) the tops of the undulations will be spaced vertically from the reference plane which corresponds to the surface of the permanent grill. Intermediate frame members tie the side frame members together and divides the strip members into several groups, reducing their length and increasing their rigidity. The secondary grill also includes a plurality of bendable tabs extending inwardly from the inward side of top surface in a plurality of positions.

Claim 1 of the present application recites a cooking grate that includes a frame including an exterior frame element, at least one interior frame element including a cooking utensil supporting surface with the cooking utensil supporting surface elevated from the exterior frame element, at least one recessed surface extending from the cooking utensil supporting surface with a top of the recessed surface separated from a top of the cooking utensil supporting surface to provide a gap for passage of a burner flame, and at least one support finger extending from at least one of the exterior frame element and interior frame element with each support finger including a first end and a second end. The first end is attached to the exterior frame element or the interior frame element, and the second end is unattached.

Karapetian does not describe nor suggest a cooking grate as recited in Claim 1. Particularly, Karapetian does not describe nor suggest at least one support finger extending from at least one of the exterior frame element and interior frame element with each support finger including a first end and a second end, and with the first end attached to the exterior frame element or the interior frame element and the second end unattached. Rather, Karapetian describes a disposable secondary grill that includes a peripheral frame 11 with intermediate frame members 13 and a plurality of strips 18 extending between and attached to the peripheral frame and the intermediate frame members. The strips are attached at both ends and therefore, are not support fingers as recited in Claim 1 of the present application. Accordingly, Applicant submits that Claim 1 is patentable over Karapetian.

Claims 2-5 depend from independent Claim 1. When the recitations of dependent Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that Claims 2-5 likewise are patentable over Karapetian.

Claim 6 recites a grate assembly for a gas cooking appliance. The grate assembly includes at least one exterior frame element, at least one support finger extending from the exterior frame with the support finger comprising a top surface extending above the at least one exterior frame element. Each support finger having a first end and a second end with the first end attached to the exterior frame element, and the second end unattached.

Karapetian does not describe nor suggest a grate assembly as recited in Claim 6. Particularly, Karapetian does not describe nor suggest a grate including at least one support finger extending from at least one of the exterior frame element and interior frame element with each support finger including a first end and a second end, and with the first end attached to the exterior frame element or the interior frame element and the second end unattached. Rather, Karapetian describes a disposable secondary grill that includes a peripheral frame 11 with intermediate frame members 13 and a plurality of strips 18 extending between and attached to the peripheral frame and the intermediate frame members. The strips are attached at both ends and therefore, are not support fingers as recited in Claim 6 of the present application. Accordingly, Applicant submits that Claim 6 is patentable over Karapetian.

Claims 7-10 depend from independent Claim 6. When the recitations of dependent Claims 7-10 are considered in combination with the recitations of Claim 6, Applicant respectfully submits that Claims 7-10 likewise are patentable over Karapetian.

For the reasons set forth above, Applicant respectfully requests that the Section 102(b) rejection of Claims 1-10 be withdrawn.

The rejection of Claims 11-26 under 35 U.S.C. § 103(a) as being unpatentable over Karapetian (US 3,717,083) is respectfully traversed.

Claim 11 of the present application recites a grate assembly for a gas cooktop that includes at least one grate section with each grate section including a substantially rectangular frame. The frame including at least one exterior frame element having a top surface, at least one interior frame element having a top surface, and a cross member frame element having a top surface. The cross member frame element extending between the exterior frame element and intersecting the interior frame element. The top surfaces of the cross member frame element and the interior frame element are substantially coplanar and elevated relative to a top surface of the exterior frame element. At least one of the cross member frame element and the interior frame element includes a recessed surface extending from the coplanar surface. The recessed surface comprising a flame clearance gap.

Karapetian does not describe nor suggest a grate assembly as recited in Claim 11. Particularly, Karapetian does not describe nor suggest a grate assembly that includes at least one grate section that includes a frame that comprises at least one exterior frame element having a top surface, at least one interior frame element having a top surface, and a cross member frame element having a top surface with the cross member frame element extending between the exterior frame element and intersecting the interior frame element and the top surfaces of the cross member frame element and the interior frame element substantially coplanar and elevated relative to a top surface of the exterior frame element. Rather Karapetian describes a disposable secondary barbecue grill that can be interpreted to include a plurality of grate sections defined by the peripheral frame 11 and an intermediate frame element 13 that has a plurality of cross members 18 extending between the exterior frame element 11 and the interior frame element 13. However, the top surface of the exterior frame element 11 and the top surface of the interior

frame element 13 are co-planer as shown in Figure 3 rather than the top surface of the interior frame element 13 being elevated relative to the top surface of the exterior frame surface 11. Also, because the strip 18 (cross-member) includes undulations, its top surface is not co-planer with the top surface of the interior frame member 13. Further, the interpretation of Figure 1 of Karapetian as evidenced by the labeled figure of the supplied Appendix appears to be incorrect. Specifically, the element described by Karapetian as a plurality of bar-like strips 18 is labeled as three different elements, a finger, an interior frame element, and a cross member in the Appendix. Applicant submits that one skilled in the art would not interpret the teachings of Karapetian as the labeling shown in the Appendix. The bar-like strips 18 taught by Karapetian is a single element not three different element. If the Examiner wants to interpret the bar-like strips 18 to be cross members, then every strip 18 shown in Figure 1 is a cross member. The single element taught by Karapetian cannot be interpreted to be three separate and distinct elements.

For the reasons explained above, Applicant submits that independent Claim 11 is patentable over Karapetian.

Claims 12-16 depend from independent Claim 11. When the recitations of dependent Claims 12-16 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that Claims 12-16 likewise are patentable over Karapetian.

Claim 17 of the present application recites "a gas fired cooktop comprising: at least a first gas burner and a second gas burner; and a grate assembly surrounding said first gas burner and said second gas burner, said grate assembly comprising an exterior frame element, an interior frame element extending between said first gas burner and said second gas burner, and a cross member frame element extending between and attached to said exterior frame element and said

interior frame element, said interior frame element and said cross member frame element comprising a cooking utensil surface and a flame clearance recessed portion extending from said cooking utensil surface."

Karapetian does not describe nor suggest a gas fired cooktop as recited in Claim 17. Particularly, Karapetian does not describe nor suggest a cooktop that includes a first and second burner. Rather, Karapetian describes a disposable secondary grill designed to be placed on top of and supported by the primary grill of a barbecue. The Office Action, at page 8, admits that Karapetian does not describe gas burners and does not describe that the grate assembly surrounds the gas burners.

The Office Action, at page 9, suggests that "it would be obvious to one skilled in the art to apply the device on a gas burner system with a cook top with either two or four burners". Applicant respectfully disagrees with this suggestion because the secondary grill described by Karapetian is incapable of surrounding a first and second gas burner. Particularly, the secondary grill described by Karapetian is substantially planer as shown in Figures 2-4 and would not be capable of surrounding a burner. Further, Karapetian teaches at Col. 1, lines 66-67, that the "disposable secondary grill is formed from a unitary body of thin, sheet ,metallic material". Applicant submits that one skilled in the art would not use a grate made from thin sheet metal on a cooktop to support cooking utensils, for example, pots and pans, because such a grill would not have the necessary strength to support the cooking utensils.

For the reasons explained above, Applicant submits that Claim 17 is patentable over Karapetian.

Claims 18-21 depend from independent Claim 17. When the recitations of dependent Claims 18-21 are considered in combination with the recitations of Claim 17, Applicant respectfully submits that Claims 18-21 likewise are patentable over Karapetian.

Claim 22 of the present application recites a gas fired cooktop that comprises "a first gas burner and an adjacent second gas burner; a first grate section surrounding said first and second gas burners; a third gas burner and an adjacent fourth gas burner, said third and fourth gas burners adjacent said first and second gas burners; a second grate section surrounding said third and fourth gas burners; a bridge spacer grate section extending between said first grate section and said second grate section; a top surface of each of said first grate section, second grate section, and bridge spacer section comprising a substantially coplanar utensil supporting surface; and a recessed surface portion extending from said utensil supporting surface between each adjacent gas burner"

Karapetian does not describe nor suggest a gas fired cooktop as recited in Claim 22. Particularly, Karapetian does not describe nor suggest a cooktop that includes a first and second burner. Rather, Karapetian describes a disposable secondary grill designed to be placed on top of and supported by the primary grill of a barbecue. The Office Action, at page 8, admits that Karapetian does not describe gas burners and does not describe that the grate assembly surrounds the gas burners. Further, as explained above, it would not be obvious to one skilled in the art to apply Karapetian's device on a gas burner system with a cook top with either two or four burners. Accordingly, Applicant submits that Claim 22 is patentable over Karapetian.

Claims 23-26 depend from independent Claim 22. When the recitations of dependent Claims 23-26 are considered in combination with the recitations of Claim 22, Applicant respectfully submits that Claims 23-26 likewise are patentable over Karapetian.

For the reasons set forth above, Applicant respectfully requests that the Section 103(a) rejection of Claims 11-26 be withdrawn.

The rejection of Claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over Sparks (Des. 378,885) in view of Williams et al. (US 925,255) is respectfully traversed.

Sparks shows an ornamental design for a gas cooktop grate. The grate is formed from four corner components and two center components. Each corner component and center component includes two parallel outer frame member elements and a plurality of interior frame elements that extend between the two outer frame member elements. Additionally each corner component includes a plurality of finger support elements extending from the either an interior frame element or an outer frame member. The top surface of the interior frame member elements and finger elements are coplanar and are elevated from the two outer frame elements.

Sparks does not teach nor suggest a cooking grate as recited in Claim 1. Particularly, Sparks does not teach nor suggest a cooking grate that includes at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member coplanar with the cooking utensil surface of the interior frame member which is elevated from the exterior frame element. Rather, Sparks teaches a cooking grate that includes corner components that include spaced apart parallel outer frame members and interior frame members extending between the outer frame members. The top surface of the interior frame members are coplanar and elevated from the outer frame

elements. The Office Action, at page 11, suggests that Sparks teaches a cross member frame element that is shown in dashed blue lines in the Appendix supplied with an earlier Office Action. Applicant disagrees with this suggestion because the blue dashed lines do not show or suggest a cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the cooking utensil surface of the interior frame member. Rather, the blue dashed line only shows what are labeled interior frame elements extending between and attached to what are labeled exterior frame members. There is no cross member frame element extending between and attached to an interior frame member and an exterior frame member shown in the blue dashed lines of the Appendix.

Williams et al. is cited for teaching a recessed surface. Williams et al. is not cited for, and does not teach, a cooking grate that includes at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the cooking utensil surface of the interior frame member which is elevated from the exterior frame element.

Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooking grate as recited in Claim 1. Particularly, as explained above, Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooking grate that includes at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the cooking utensil surface of the interior frame member. Accordingly, Applicant submits that Claim 1 is patentable over Sparks and Williams et al., alone or in combination.

Claims 2-5 depend from independent Claim 1. When the recitations of dependent Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that Claims 2-5 likewise are patentable over Sparks and Williams et al., alone or in combination.

Sparks and Williams et al., alone or in combination, do not describe nor suggest a grate assembly as recited in Claim 6. Particularly, and as explained above, Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooking grate that includes at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the top surface of the interior frame member and extending above the exterior frame element. Accordingly, Applicant submits that Claim 6 is patentable over Sparks and Williams et al., alone or in combination.

Claims 7-10 depend from independent Claim 6. When the recitations of dependent Claims 7-10 are considered in combination with the recitations of Claim 6, Applicant respectfully submits that Claims 7-10 likewise are patentable over Sparks and Williams et al., alone or in combination.

Sparks and Williams et al., alone or in combination, do not describe nor suggest a grate assembly as recited in Claim 11. Particularly, and as explained above, Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooking grate that includes at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the top surface of the interior frame member and elevated relative to the top surface of the

exterior frame element. Accordingly, Applicant submits that Claim 11 is patentable over Sparks and Williams et al., alone or in combination.

Claims 12-16 depend from independent Claim 11. When the recitations of dependent Claims 12-16 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that Claims 12-16 likewise are patentable over Sparks and Williams et al., alone or in combination.

Sparks and Williams et al., alone or in combination, do not describe nor suggest a grate assembly as recited in Claim 17. Particularly, and as explained above, Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooking grate that includes a cross member frame element extending between and attached to the exterior frame element and an interior frame element with the cross member frame element and the interior frame member comprising a cooking utensil surface. Accordingly, Applicant submits that Claim 17 is patentable over Sparks and Williams et al., alone or in combination.

Claims 18-21 depend from independent Claim 17. When the recitations of dependent Claims 18-21 are considered in combination with the recitations of Claim 17, Applicant respectfully submits that Claims 18-21 likewise are patentable over Karapetian.

Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooktop as recited in Claim 22. Particularly, as explained above, Sparks and Williams et al., alone or in combination, do not describe nor suggest a cooktop that includes grate sections that include at least one cross member frame element extending between and attached to the exterior frame element and an interior frame element with the top surface of the cross member frame element coplanar with the cooking utensil surface of the interior frame member and elevated

from the exterior frame element. Accordingly, Applicant submits that Claim 22 is patentable over Sparks and Williams et al., alone or in combination.

Claims 23-26 depend from independent Claim 22. When the recitations of dependent Claims 23-26 are considered in combination with the recitations of Claim 22, Applicant respectfully submits that Claims 23-26 likewise are patentable over Sparks and Williams et al., alone or in combination.

For the reasons set forth above, Applicant respectfully requests that the Section 103(a) rejection of Claims 1-26 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Tersillo", written over a horizontal line.

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